UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/125
25 February 2000

ENGLISH
Original: ARABIC/FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 11 of the provisional agenda

CIVIL AND POLITICAL RIGHTS

Note verbale dated 19 January 2000 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Iraq to the United Nations Office and Other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit the attached document, entitled "United States schemes to overthrow the system of government in Iraq in violation of international law and the Charter of the United Nations". This document has been prepared by the Iraqi delegation for the fifty-sixth session of the Commission on Human Rights*.

The Mission of Iraq would appreciate it if the High Commissioner could arrange for this reply to be circulated as an official document of the fifty-sixth session of the Commission on Human Rights.

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* The annex is reproduced as received, in the languages of submission and in English.

Annex

A study submitted by the Iraqi delegation
entitled "United States schemes to overthrow the system of government in Iraq in violation of international law and the Charter of the United Nations"

1. The United States Administration has persisted in its hostile attitude and conduct towards Iraq in numerous ways and forms and under a variety of facades, as illustrated by:

(a) Declarations by senior officials of the United States Administration.

(b) Acts of military aggression, virtually on a daily basis.

(c) Support for terrorist groups calling themselves the "Iraqi opposition".

2. All the Security Council resolutions concerning Iraq have consistently affirmed the need to respect the sovereignty, territorial integrity and political independence of Iraq. This is a binding legal obligation in view of the fact that those resolutions were adopted in accordance with the provisions of Chapter VII of the Charter.

3. This behaviour violates Article 2, paragraph 4, of the Charter of the United Nations, which stipulates that: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations". This prohibition constitutes the cornerstone of the international order established by the Charter of the United Nations. It is also a principle that is recognized as an imperative and categorical rule that cannot be infringed under any circumstances.

4. Such behaviour violates the rules of international law, including the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, proclaimed in General Assembly resolution 2625 (XXV) which was adopted unanimously on 24 October 1970

and which the International Court of Justice, in its decision handed down in the case Nicaragua v. United States of America in 1986, regarded as a codification of the rules of international law which, consequently, was binding on all States. In this connection, that Declaration stipulated that: "Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States ... Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination ... Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State".

The Declaration further stipulated that: "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State".

5. Under the terms of General Assembly resolution 3314 (XXIX) of 14 December 1974 entitled "Definition of Aggression", which unquestionably forms part of the international customary law adopted by most countries of the world and recognized by international jurisprudence, the threat or use of armed force against Iraq without any authorization from the Security Council constitutes aggression.

6. The following examples of the declarations and activities of senior United States and British officials against the security, territorial integrity and unity of Iraq constitute flagrant violations not only of the Charter of the United Nations but also of all the rules and provisions of international law. We wish to draw the attention of all States Members of the United Nations or members of non-governmental organizations to the increasing gravity of the situation resulting from the United States-British aggression, in

collaboration with Turkey, Saudi Arabia and Kuwait, against Iraq. While retaining its full right, under international law, to defend itself, to preserve the sovereignty and security of Iraq and to claim compensation from those States, the Government of Iraq calls upon all States Members of the United Nations, members of non-governmental organizations and eminent personalities to condemn those acts and practices. We also call upon the Security Council to assume its responsibilities in accordance with the Charter of the United Nations and refrain from those acts against Iraq.

Examples of hostile United States-British acts

- On 28 September 1998, the United States Congress approved the Iraq Liberation Act which provided for the financing and arming of terrorist groups seeking to disrupt the security and stability, and undermine the national unity, of Iraq.

- On 13 January 1999, Elizabeth Jones, the Deputy Assistant Secretary of State for Near Eastern Affairs, heading a delegation from the United States and British intelligence services, entered northern Iraq illegally from Turkish territory accompanied by officials from the Turkish Ministry of Foreign Affairs.

- On 23 May 1999, Frank Dony of the BBC said that there were signs of improved cooperation between sections of the Iraqi opposition with a view to achieving a single common objective, namely a change of regime in Iraq.

- On 24 May 1999, Madeleine Albright, the Secretary of State, held a meeting with a group of mercenaries, who had betrayed Iraq, with a view to using them as tools in a conspiracy against Iraq. James Rubin, the official spokesman of the Department of State, announced that, with effect from July, Washington would be giving financial assistance to the Iraqi opposition in order to support it in its endeavours to overthrow the regime of President Saddam Hussein. Payment of that assistance was to begin after the opposition forum which the leaders of the National Congress had decided to hold in July. The initial funds, allocated for the establishment of a headquarters and staff training and communication facilities, would not be deducted from the military

assistance, amount to $97 million, which had been approved in the Iraq Liberation Act.

- On 27 May 1999, the New York Times, referring to a meeting between Albright and a delegation from the so-called "Iraqi opposition", said that the meeting was an indication of the Clinton Administration's endeavours to form a broader opposition against the Iraqi President. After the meeting, Martin Indyk, the former Assistant Secretary of State for Near Eastern Affairs, had said that the provision of assistance for those groups formed part of the general policy of changing the Iraqi Government ... and United States policy was also based on a continuation of the bombardment of Iraq and a continuation of the economic sanctions and diplomatic isolation.

- At the joint press conference held by the United States Secretary of Defence and the Minister of Defence of the Kuwaiti regime on 2 June 1999, Cohen said that they would continue to work, together with the Iraqi people, to install a Government that would help to achieve peace and prosperity for Iraq. He added that they would continue to contain Saddam Hussein and the United States Administration was in contact with the Iraqi people with a view to finding an alternative that would work with the United States Administration, the Kuwaitis and others to change the regime at some time in the future.

- On 5 June 1999, in an interview with the ANN network, David Welch, the Assistant Secretary of State for International Organization Affairs, said that the President of the United States had publicly declared that his aim was to see the departure and disappearance of the regime of the Iraqi President.

- On 14 June 1999, the Jordanian newspaper Al-Rai reported that Martin Indyk, the Assistant Secretary of State for Near Eastern Affairs, had stated before the Foreign Relations Committee that the Administration would be working with forces in and outside Iraq, and also with Iraq's neighbours, to change the regime in Iraq.

- On 18 June 1999, in a statement entitled "Iraq and United States policy" which he delivered in the National Security Council, Riedel, the Senior Director for Near East and South Asian Affairs, said that the aims of United States policy included containment of the "dangerous" Iraqi regime, alleviation of the sufferings of the Iraqi people and encouragement of a change in leadership with a view to the establishment of a real peace. He also said that the United States would be a partner of the new Iraqi Government which would implement all the Security Council resolutions, at which time the United States would encourage American investment and cancel Iraq's debts amounting to $100 billion.

- On 23 June 1999, Senator Brownback, who had chaired a hearing attended by Elizabeth Jones, the Deputy Assistant Secretary for Near Eastern Affairs, said that, according to her, United States policy in regard to a change of regime in Iraq was that such a change should come from within and from elements of the opposition, which should play an effective role in divesting Saddam Hussein of his legitimacy and in helping to build a case for his prosecution "as a war criminal". The Administration had provided $8 million in financial support to strengthen the unity of the opposition. He also spoke of financial grants of $100 million for the opposition. Jones had said that the Administration was earnestly seeking to get rid of Saddam Hussein. Senator Wellstone had made a comment indicating that they did not want to see Saddam remaining in power throughout Clinton's term of office.

- On 23 June 1999, the Jordanian newspaper Al-Arab al-Yawm reported that Bruce Riedel, Director of the United States National Security Council, had said that the days of the Iraqi regime were numbered ... the regime of the Iraqi President posed the greatest threat to United States interests ... and they were endeavouring to change that regime and encourage all the parties contributing to that endeavour in and outside Iraq.

- On 26 June 1999, the Voice of America reported that, during a meeting held by one of the Senate committees, Elizabeth Jones, the Deputy Assistant Secretary of State for

Near Eastern Affairs, had said that the Clinton Administration was serious in its endeavours to change the Iraqi regime.

- On 29 June 1999, the position of the Department of State on Iraq was summarized by Martin Indyk, the Assistant Secretary of State for Near Eastern Affairs, who, during a visit by the Egyptian President Hosni Mubarak, referred to the concurrence of views between the United States and Egypt concerning the threat that Iraq posed to its neighbours. He said that their two countries supported the unity of Iraq and were in agreement on what President Mubarak had said to the effect that President Saddam Hussein would be doing his people a favour if he relinquished power.

- On 6 August 1999, Hoagland of the Washington Post reviewed the details of the Iraqi opposition's visit to Washington and their meeting in the White House with Sandy Berger, the National Security Adviser who, during the meeting which lasted 25 minutes, had promised them that the Administration was determined to get rid of the regime of the Iraqi President before the end of Clinton's presidency.

- On 2 September 1999, AFP reported Senator Jesse Helms, Chairman of the Senate Foreign Relations Committee, as saying that the (Iraq Liberation) Act would begin the long-awaited process of overthrowing the regime of the Iraqi President without in any way involving or dispatching American forces.

- On 25 October 1999, AFP quoted William Cohen as saying at Amman that he hoped that a new leadership from within would succeed in taking over the reins of Government in Iraq.

- On 28 October 1999, ANN quoted the Bahraini newspaper Al-Ayyam as saying that the United States Central Intelligence Agency was currently studying the possibility of dealing with Qusayy, the son of Saddam Hussein, in the event of a change of political regime in Iraq.

- On 31 October 1999, the United States Department of Defence announced that payment of $5 million of the $98 million that Congress had allocated to the Iraqi opposition would begin on Monday.

- On 1 November 1999, during a press conference held at the United States Embassy in Cairo, Martin Indyk, the Assistant Secretary of State, said that, although the Iraqi opposition abroad was not unified, it was a step on the road towards the overthrow of the Iraqi President ... and there was a need for efforts to topple the regime of the Iraqi President.

- On 6 November 1999, in a joint declaration distributed at Washington after the visit by the Saudi Minister of Defence to the United States of America and quoted by the Saudi Press Agency, the two parties expressed their common concern at the behaviour of the Iraqi Government and agreed that the Gulf region would never enjoy real security as long as the Iraqi regime remained.

- On 28 November 1999, the BBC reported Peter Haine, the British Minister of State at the Foreign and Commonwealth Office, as saying that the human suffering entailed by the sanctions imposed on Iraq was inevitable as long as the aim of those sanctions was to overthrow the Iraqi President.